

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JEFF POFF,

Plaintiff,

v.

LT. FISHER, SGT. OSWALD,  
SGT. SAYLOR, CO WARNER,  
CO HAEKENSACK, NURSE ADAMS,  
CPT. BOISEN, MARK KARTMAN,  
and multiple DOES,

Defendants.  
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OPINION AND ORDER

22-cv-238-bbc

Plaintiff Jeff Poff is a pro se litigant who is housed at the Wisconsin Secure Program Facility. He has been granted leave to proceed on claims that Lt. Fisher, a correctional officer at WSPF, used excessive force against him on July 14, 2020 and that a number of other correctional officers refused to intervene. Plaintiff has now filed his second request for an injunction. Dkt. #12. He asserts that defendants and others at the institution are retaliating against him for filing this lawsuit by denying him legal supplies, failing to send out his mail, and falsely accusing him of rule violations. He does not specify, however, what kind of relief he is seeking. It appears he wants the court to order the institution to provide him legal supplies and for defendants to stop retaliating against him, but that is not clear from his letter. Id. at 4.

I am denying plaintiff's request for an injunction. In situations in which a plaintiff alleges that the defendants have retaliated against him for initiating a lawsuit, it is the policy of this court to require the claim to be presented in a lawsuit separate from the one which

is alleged to have provoked the retaliation. This is to avoid the complication of issues which can result from an accumulation of claims in one action.

The court recognizes an exception to this policy only where it appears that the alleged retaliation would directly, physically impair the plaintiff's ability to prosecute his lawsuit. Plaintiff does not allege that prison officials have attempted to physically harm him. He does allege that officials lost or stole a CD of his that had his criminal files on it, but he does not say that this CD contained legal documents that were necessary to this case. Finally, although plaintiff asserts he is being denied legal supplies, an Inmate Complaint Examiner's report attached to his motion indicates that the prison will provide him supplies if he shows that he is actively using them for a legal purpose. Dkt. #12, Ex. A. Accordingly, I conclude that plaintiff has failed to show that he is entitled to injunctive relief at this time. If he believes that prison officials are retaliating against him, he may file a separate lawsuit on this issue.

#### ORDER

IT IS ORDERED that plaintiff's motion for an injunction, dkt. #12, is DENIED.

Entered this 6<sup>th</sup> day of September, 2022.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge